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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,680	12/03/2001	Michael Wayne Brown	AUS920010945US1	9585

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EXAMINER

MWANYOHA, SADIKI P

ART UNIT PAPER NUMBER

2642

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,680

Applicant(s)

BROWN ET AL.

Examiner

Sadiki Mwanyoha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12-3-01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35, are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,903,642 to Schwartz et al. in view of US patent 6,195,426 to Bolduc et al.

Regarding claim 1, Schwartz et al. discloses a “method for eliminating telephone hold time”. According to the method of Schwartz et al., a new call is positioned on a queue and a calculation is reported to the caller as to the approximate time the caller can expect to wait to be connected [see Schwartz et al. col. 4, line 38]. This calculation is based on a number of factors (i.e. monitoring a plurality of characteristics of an on hold system) including the average length of call, the number of calls holding and the priorities previously issued.

However, Schwartz et al. does not teach a method that is responsive to a selection by a caller of a format for publishing said plurality of characteristics, transferring said plurality of characteristics to said caller in said selected format.

Nevertheless, Bolduc et al. discloses a “service providing customized information to queuing customers”. The invention of Bolduc et al. relates to a communication service that provides customized product information to a customer holding in a queue [see Bolduc et al. col. 1, line 5]. The customized product information is compiled and delivered by a queue server (410) based on information input by the customer (i.e. caller) via a forms based interface. The

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queue server (410) accomplishes this by identifying relevant fields produced by a keyword search on information entered by the customer (i.e. caller) and prompts the customer (i.e. caller) to select among those relevant fields (i.e. responsive to a selection by a caller of a format for publishing said plurality of characteristics, transferring said plurality of characteristics to said caller in said selected format) [see Bolduc et al. col. 6, line 58].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to extend the method taught by Schwartz et al. to employ an interactive process for choosing how to report the queue data (as taught by Schwartz et al.), since such a measure would enable the caller to comprehend the queue data more easily.

Regarding claim 2, further note that Schwartz et al. teaches the collection of the average length of call (i.e. historical average activity status of at least one current caller), the number of calls holding (i.e. current activity status) and approximate wait time (i.e. estimated activity status) [see Schwartz et al. col. 4, line 38]. Therefore, Schwartz et al. teaches monitoring at least one from among a current activity status of said on hold system, an estimated activity status of said on hold system, a historical average activity status of said on hold system, and a historical average activity status of at least one current caller on hold within said on hold system.

Regarding claim 3, further note that the invention of Schwartz et al. specifically relates to the scenario where the caller is held on a telephone queue awaiting the availability of a person, such as a technician (i.e. said caller is currently on hold within said on hold system) [see Schwartz et al. col. 1, line 15].

Regarding claim 4, further note that the queue server (410) taught by Bolduc et al. contains a database (430) that delivers customized information via text messages for display on a

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customer's (i.e. caller) computer terminal (30) as well as audio, video or multimedia files (i.e. format for publishing said plurality of characteristics further comprises at least one from among a voice format, a text format, a video format, and a graphical format) [see Bolduc et al. col. 6, line 22].

Regarding claim 5, further note that according to the method of Bolduc et al., the customized information (i.e. plurality of characteristics) may be delivered to the caller through multiple means including conventional e-mail, chat messaging, computer telephony or standard telephony (i.e. transferring said plurality of characteristics in said format to an interface specified by said caller) [see Bolduc et al. col. 7, line 23].

Regarding claim 6, further note that according to the method of Bolduc et al. an adjunct processor (150) identifies a field of information (i.e. expected subject matter), such as products or services, that is relevant to the customer (i.e. caller) for the purposes of delivering such customized information to the customer (i.e. caller) (i.e. monitoring an expected subject matter selection of a plurality of calls currently on hold within said hold system) [see Bolduc et al. col. 3, line 50].

Regarding claim 7, recall that according to the method of Bolduc et al., a queue server (410) identifies fields (i.e. output preferences) and prompts the customer (i.e. caller) to select (i.e. filter a preferred selection) among them (i.e. filtering a preferred selection from among said plurality of characteristics according to output preferences for said caller) [see Bolduc et al. col. 7, line 3].

Regarding claim 19, see Schwartz et al. in view of Bolduc et al. as applied to claims 1 and 5.

Regarding claim 20, recall that Bolduc et al. teaches the delivery of the customized information (i.e. plurality of characteristics) to the customer (i.e. caller) through e-mail or chat messaging (i.e. personal computer), a standard telephone (i.e. wireline telephone), and a queue server (i.e. account server) [see Schwartz et al. col. 7, line 23].

However, Bolduc et al. does not teach the use of a wireless telephone or pervasive device.

Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a wireless telephone or PDA (i.e. pervasive device) in the method taught by Schwartz et al. in view of Bolduc et al., since mobile access extends the usability of the information system.

Regarding claim 21 see Schwartz et al. in view of Bolduc et al. as applied to claim 7.

Regarding claim 22, further note that the queue server (410) taught by Bolduc et al. is accessible to the customer (i.e. caller) through entry of a log on ID (i.e. tracking number) and addressing the queue server (410) on computer network (300) (i.e. outputting a call tracking number and network address to said caller; and responsive to detecting said call tracking number entered through a caller accessible interface accessing said network address, transferring said plurality of characteristics to said caller accessible interface) [see Bolduc et al. col. 6, line 15].

Regarding claim 23, further note that Bolduc et al. teaches that in addition to a log on ID, a customer may use an e-mail address (i.e. account identifier) to access the queue server (410). Moreover, recall that the customer (i.e. caller) may interface with the system via e-mail or chat messaging. Also note that it is known, and therefore, obvious that an e-mail sent by the information system and destined for the customer (i.e. caller), is typically stored on an intermediate server such as a POP mail account server (i.e. receiving a caller account identifier

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as said selected interface; and transferring said plurality of characteristics via a network in an electronic mail to an account server serving said caller account identifier) [see Bolduc et al. col. 6, line 15].

Regarding claim 24, recall that customer identifier reads upon messaging identifier. Furthermore, the method of Bolduc et al. teaches the use of chat messaging (i.e. instant message) (i.e. receiving a caller messaging identifier as said selected interface; and transferring said plurality of characteristics in an instant message to said caller messaging identifier via a network) [see Bolduc et al. col. 6, line 15; col. 7, line 24].

3. Claims 8,9,10,11,12,13 and 14 are apparatus claims that correspond directly to method claims 1,2,3,4,5,6 and 7 respectively, and therefore, are rejected under the same rationale.

4. Claims 15,16,17 and 18 are apparatus claims that correspond directly to method claims 1,5,6 and 7 respectively, and therefore, are rejected under the same rationale.

5. Claims 25,26,27,28,29 and 30 are apparatus claims that correspond directly to method claims 19,20,21,22,23 and 24 respectively, and therefore, are rejected under the same rationale.

6. Similarly, claims 31,32,33,34 and 35 are apparatus claims that correspond directly to method claims 19,21,22,23 and 24 respectively, and therefore, are rejected under the same rationale.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Walker et al. US 5,946,388 discloses a "method and apparatus for priority queuing of telephone calls".

b. Walker et al. US 5,978,467 discloses a "method and apparatus for enabling interaction between callers with calls positioned in a queue".

c. Bilder US 6,400,804 discloses an "on-hold activity selection apparatus and method".


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadiki Mwanyoha whose telephone number is 703-305-3417.

The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

spm

  
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